

Remarks/Arguments

EXAMINER INTERVIEW

Applicants express thanks to the Examiner for agreeing to interview with the undersigned on June 1, 2006. During the interview, the undersigned presented the same proposed amendment to the claims as is set forth in this Response. The Examiner indicated that these amended claims would be patentable over the cited art of record.

CLAIMS

Claims 1-5 and 7-11 are currently pending in the application. In the Final Office Action of March 8, 2006, the Examiner rejected pending claims 1-5, 7-9, and 11 on various grounds, and indicated that claim 10 is allowable. Applicants amend claims 1-3, 5, 7-8, and 11 to further clarify the invention.

With regard to claims 1-5, 7-9, and 11, while the Examiner appears to maintain the position that the term “generally” in the limitation “generally linear interconnecting elements” renders the claimed invention to be anticipated by a stent mechanism illustrated on the schematic drawing FIG. 10 of the *Burgermeister* reference (U.S. Patent Application Publication No. 2002/0123798), Applicants strongly disagree with the Examiner’s interpretation of the *Burgermeister* reference. Applicants submit that one of ordinary skill in the art would not characterize the stent configuration shown in the schematic drawing FIG. 10 of the *Burgermeister* reference as being “generally linear”, in contrast to the “generally linear” interconnecting elements shown in FIGS. 2 and 6 of the pending application. From reviewing FIG. 10 of the *Burgermeister* reference and comparing that to FIGS. 2 and 6 of the pending application, it would be abundantly clear to those skilled in the art that the interconnecting elements described in the pending application are structurally different from those described in the *Burgermeister* reference.

Nonetheless, for the sake of advancing the prosecution of the application, Applicants amend claims 1, 2, 3, 5, 7, 8, and 11 to delete the term “generally”. Applicants submit that the interconnecting elements of Applicants’ inventive stent may

comprise of a linear middle portion with strain relief sections at the terminal ends of the interconnecting elements.

Applicants note that the cancellation, abandonment or amendment of any claim (e.g., the deletion of the term “generally”) or any amendment of the description does not amount to abandonment of any subject matter in the application. In fact, Applicants reserve the right to pursue some or all of such subject matter in this application in one or more continuation applications.

Summary

The Examiner's rejections of claims 1-5, 7-9, and 11 have been obviated by the above amendments to the claims. Accordingly, Applicants submit that the pending claims are patentably distinct from and over the art cited and of record. Favorable reconsideration of the rejection of the pending claims is solicited. If any question remain that may be resolved in a telephone interview, Applicants ask the Examiner to contact the undersigned.

The amendments made during the prosecution of this application are intended solely to expedite prosecution of the application and are not to be interpreted as acknowledgement of the validity of any rejection raised earlier in prosecution, nor as acknowledgement that any citation made against the application is material to the patentability of the application prior to amendment.

This Response is being concurrently filed with an Amendment Transmittal Letter including a fee calculation sheet, any applicable Request for Extension, and fee calculations. The Director is authorized to deduct any additional expenses from Deposit Account No. 18-2000, of which the undersigned is an authorized signatory.

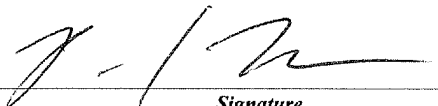

Respectfully submitted,



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June 2, 2006

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AMENDMENT TRANSMITTAL LETTER (Large Entity)				Docket No. 6006-146	
Applicant(s): C. Banas, et al.					
Application No. 10/803,392	Filing Date 3/18/04	Examiner Thomas Sweet	Customer No. 29,335	Group Art Unit 3738	Confirmation No. 5517
Invention: ENDOLUMINAL STENT HAVING MID-STRUT INTERCONNECTING MEMBERS					
<u>COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	10 -	20 =	0	x \$50.00	\$0.00
INDEP. CLAIMS	3 -	3 =	0	x \$200.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 18-2000 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038.					
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
 _____ <i>Signature</i>			Dated: June 2, 2006		
Paul J. Lee (Reg. No. 52,420) ROSENBAUM & ASSOCIATES, P.C. 650 Dundee Road Suite #380 Northbrook, IL 60062 Tel.: (847) 770-6000 Fax: (847) 770-6006			<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center;"><i>Certificate of Electronic Filing</i></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on</p> <p style="text-align: center;"><u>June 2, 2006</u></p> <p style="text-align: center;">(Date)</p> <p style="text-align: center;">  <i>Signature of Person Mailing Correspondence</i> </p> <p style="text-align: center;">Lori Dunham</p> <p style="text-align: center;"><i>Typed or Printed Name of Person Mailing Correspondence</i></p> </div>		
CC:					